



**CITY OF BUCKEYE  
REGULAR COUNCIL MEETING  
SEPTEMBER 6, 2016  
MINUTES**

**City Council Chambers**

**530 E. Monroe Ave.**

**Buckeye, AZ 85326**

**6:00 p.m.**

**1. Call to Order/Invocation/Pledge of Allegiance/Roll Call**

Mayor Meck called the meeting to order at 6:00 p.m. Pastor Greg Clemmons of Valley Christian Ministries led the invocation. Vice Mayor Hess led the Pledge of Allegiance.

Members Present: Councilmember Garza, Councilmember HagEstad, Councilmember Orsborn, Councilmember McAchran, Councilmember Heustis, Vice Mayor Hess, and Mayor Meck.

Members Absent: None.

Departments Present: Interim City Manager Roger Klingler, City Attorney Shiela Schmidt, City Clerk Lucinda Aja, Deputy City Clerk Summer Stewart, Assistant to Council Carol Conley, Police Chief Larry Hall, Fire Chief Bob Costello, Finance Director Larry Price, Human Resources Director Nancy Love, Public Works Director Scott Lowe, Economic Development Director Len Becker, Community Services Director Cheryl Sedig, Development Services Director George Flores, Information Technology Director Greg Platacz, City Engineer Scott Zipprich, Presiding Judge Maria Brewer, Deputy Director of Planning Terri Hogan, Library Manager Jana White, Court Administrator Johnny Tse, and Intergovernmental Affairs Manager George Diaz.

**2A. Comments from the Public – None.**

**2B. Awards/Presentations/Proclamations**

Mayor Meck proclaimed the month of September, 2016 as Grandfamily/Kinship Care Month.

Mayor Meck recognized the Community Services Department for being the recipient of the Outstanding Facility award for Populations 25,000-100,000 for Skyline Regional Park from the Arizona Parks and Recreation Association.

Mayor Meck recognized Robert Wisener, Conservation and Project Manager, who was named Parks Professional of the Year by the Arizona Parks and Recreation Association.

**3. Minutes**

A motion was made by Councilmember Heustis and seconded by Councilmember Orsborn to approve the minutes of the July 14, 2016 Special Council Meeting, August 2, 2016 Council Workshop, and August 2, 2016 Regular Council Meeting and Executive Session. Motion passed unanimously.

#### **4. Expenditures**

A motion was made by Councilmember Orsborn and seconded by Vice Mayor Hess to ratify the payment of the accounts payable expenditures made. Motion passed unanimously. Copies of invoices are available at City Hall.

#### **CONSENT AGENDA ITEMS**

**Approval of items on the Consent Agenda - All items with an (\*) are considered to be routine matters. Councilmember Heustis requested Item \*5A. be pulled for discussion; Councilmember McAchran requested Item \*5G. be pulled for discussion. A motion was made by Councilmember Orsborn and seconded by Vice Mayor Hess to approve Consent Items \*5B., \*5C., \*5D., \*5E., \*5F., and \*5H. Motion passed unanimously.**

#### **\*5. New Business**

- \*5A. Council to take action on Ordinance No. 16-16 adopting that certain document entitled “Community Services Regulations” by reference; amending the City of Buckeye Code, Chapter 11 Community Services, by repealing Chapter 11 Community Services in its entirety and replacing it with a new Chapter 11 Community Services Regulations, related to adopting regulations for the use of community facilities and parks within the City, providing for the repeal of conflicting Ordinances; providing for severability; and providing for penalties.**

Staff Liaison: Cheryl Sedig, Community Services Director

Councilmember Heustis requested this Item be pulled for discussion and requested that information related to Chapter 11 code amendments be made available to the public in order to reduce confusion and assist with public inquiries. A motion was made by Councilmember Heustis and seconded by Councilmember McAchran to adopt Ordinance No. 16-16 adopting that certain document entitled “Community Services Regulations” by reference; amending the City of Buckeye Code, Chapter 11 Community Services, by repealing Chapter 11 Community Services in its entirety and replacing it with a new Chapter 11 Community Services Regulations, related to adopting regulations for the use of community facilities and parks within the City, providing for the repeal of conflicting Ordinances; providing for severability; and providing for penalties. Motion passed unanimously.

- \*5B. Council to take action on Resolution No. 60-16 approving the Intergovernmental Agreement between the City of Buckeye and Agua Fria Union High School District No. 216, relating to school resource officer services.**

Staff Liaison: Larry Hall, Police Chief

Council adopted Resolution No. 60-16 approving the Intergovernmental Agreement between the City of Buckeye and Agua Fria Union High School District No. 216, relating to school resource officer services.

- \*5C. Council to take action on the request to approve a Final Plat for Sun City Festival Parcel N1 located at the northeast corner of Desert Vista Boulevard and Beardsley Parkway within the Festival Ranch Master Planned Community.**

Staff Liaison: Ed Boik, Principal Planner

Council approved a Final Plat for Sun City Festival Parcel N1 located at the northeast corner of Desert Vista Boulevard and Beardsley Parkway within the Festival Ranch Master Planned Community.

- \*5D. Council to take action on the request to approve a Final Plat for Sun City Festival Parcel HH1-1 located north of the northwest corner of Desert Vista Boulevard and Beardsley Parkway within the Festival Ranch Master Planned Community.**

Staff Liaison: Ed Boik, Principal Planner

Council approved a Final Plat for Sun City Festival Parcel HH1-1 located north of the northwest corner of Desert Vista Boulevard and Beardsley Parkway within the Festival Ranch Master Planned Community.

- \*5E. Council to take action on the request to approve a Final Plat for Verrado Victory District Phase 3, Parcel 3A, located at the northeast corner of Indian School Road and Sunrise Lane within the Victory District of the Verrado Master Planned Community.**

Staff Liaison: Sean Banda, Planner II

Council approved a Final Plat for Verrado Victory District Phase 3, Parcel 3A, located at the northeast corner of Indian School Road and Sunrise Lane within the Victory District of the Verrado Master Planned Community.

- \*5F. Council to take action on the Special Event Application for the Buckeye Main Street Coalition Mixer and Buckeye Valley Museum Façade Project Kickoff, by invitation only event, to be held on Friday, September 23, 2016 at the Buckeye Valley Museum.**

Staff Liaison: Jana White, Library Manager

Council approved the Special Event Application for the Buckeye Main Street Coalition Mixer and Buckeye Valley Museum Façade Project Kickoff, by invitation only event, to be held on Friday, September 23, 2016 at the Buckeye Valley Museum.

- \*5G. Council to take action on the removal of Jameela Smith, Olivia Bailey, Yessica Monge-Rosales, Brianna Green, and Aysia Valdez-Palomo as Regular Members of the Buckeye Youth Council; and the appointment of Isabella Arntson, Makenna Crawford, Michael HagEstad, Morgan Harris, Pricilla Reyes, and Zion Wiley as Regular Members of the Buckeye Youth Council, with a term expiration date of August, 2017.**

Staff Liaison: Lucinda Aja, City Clerk

Councilmember McAchran requested this Item be pulled for discussion and recognized new members of the Buckeye Youth Council (BYC) and thanked them for their interest and service. A motion was made by Councilmember McAchran and seconded by Vice Mayor Hess to approve the removal of Jameela Smith, Olivia Bailey, Yessica Monge-Rosales, Brianna Green, and Aysia Valdez-Palomo as Regular Members of the Buckeye Youth Council; and approve the appointment of Isabella Arntson, Makenna Crawford, Michael HagEstad, Morgan Harris, Pricilla Reyes, and Zion Wiley as Regular Members of the Buckeye Youth Council, with a term expiration date of August, 2017. Motion passed unanimously.

- \*5H. Council will take action on the first amendment to Maria Brewer's Employment Agreement by reappointing Judge Brewer to a four (4) term as City of Buckeye Presiding Judge, with a salary of \$142,500, and a deferred compensation contribution by the City in the amount of \$15,000, retroactive to February 1, 2016, and the use of contingency funds if necessary.**

Staff Liaison: Nancy Love, Human Resources Director

Council approved the first amendment to Maria Brewer's Employment Agreement by reappointing Judge Brewer to a four (4) term as City of Buckeye Presiding Judge, with a salary of \$142,500, and a deferred compensation contribution by the City in the amount of \$15,000, retroactive to February 1, 2016, and the use of contingency funds if necessary.

**6. Continued / Tabled Items – None.**

**7. Public Hearings / Non-Consent - New Business**

- 7A. Council will hold a public hearing and take action on Ordinance No. 17-16 amending the Zoning Map of the City of Buckeye to establish a Planned Area Development (PAD) Overlay District for a project known as Former Cemex Sand and Gravel Quarry PAD, located on approximately 58 acres at the southeast corner of Rainbow and Beloit Roads.**

Staff Liaison: Adam Copeland, Principal Planner

Mayor Meck opened a public hearing at 6:16 p.m. to hear citizen input regarding Ordinance No. 17-16. Mr. Copeland provided information related to the requested PAD. Vicinity maps were displayed. The applicant is requesting a PAD Overlay District on approximately 58 acres of property located at the southeast corner of Rainbow and Beloit Roads, in District 3, for the purpose of developing a phased outdoor entertainment facility. The lake on the property is approximately 32 acres of open water with approximately 26 acres of developable property. Photos of the lake were presented along with concept designs. The PAD concept was reviewed and allows for specific land use allowances, flexible design and landscape standards, salt cedar removal, customized phasing, height and setback standards, and residential density standards. Staff recommends approval; the PAD is compatible with the General Plan and Development Code. Mr. Copeland clarified the property has been annexed into the City. The site is currently zoned SF-43 Single-Family Residential; due to the property's unique attributes, a PAD Overlay District is warranted to further clarify the development details, while also helping to maximize the projects' potential through various flexibilities and performance criteria. Applicant, Richard Mladick of Mladick, LLC, presented further information related to the potential recreational projects at the site and quality of life component this project will bring to the community; discussed development challenges of the project including construction of required infrastructure at the site and the need to remove salt-cedars. Councilmember Heustis requested information related to security and caretaking of the property and potential restaurant opportunities. Mr. Mladick stated a caretaker is currently on the property and security measures will be taken to maintain the site as necessary; plans include future food and beverage projects at the site, which are an important component to the site. There being no further comment, Mayor Meck closed the public hearing at 6:38 p.m. A motion was made by Councilmember Heustis and seconded by Councilmember Orsborn to adopt Ordinance No. 17-16 amending the Zoning Map of the City of Buckeye to establish a Planned Area Development (PAD) Overlay District for a project known as Former Cemex Sand and Gravel Quarry PAD, located on approximately 58 acres at the southeast corner of Rainbow and Beloit Roads. Motion passed unanimously.

**7B. Council will hold a public hearing regarding the Marwest annexation.**

Staff Liaison: Adam Copeland, Principal Planner

Mayor Meck opened a public hearing at 6:39 p.m. to hear citizen input regarding the Marwest annexation. Mr. Copeland presented information related to the Marwest annexation; a vicinity map was displayed. The applicant is requesting an annexation of two parcels totaling two acres generally located at the southwest corner of Perryville Road and Culver Street in District 6. The annexation will allow for more efficiency in management of the facility. Request by George Quinif, Peak Group, LLC, on behalf of Marwest Enterprises, LLC. There being no further comment, Mayor Meck closed the public hearing at 6:40 p.m.

**7C. Council will hold a public hearing and take action on the application for a Series 9 Liquor Store (All Spirituous Liquor) Liquor License Application No. 09070344 for Fry's Marketplace #692 to be located at 19600 West Indian School Road in Buckeye.**

Staff Liaison: Lucinda Aja, City Clerk

Items 7C. and 7D. were heard simultaneously. Mayor Meck opened a public hearing at 6:40 p.m. to hear citizen input regarding the application for a Series 9 Liquor Store (All Spirituous Liquor) Liquor License Application No. 09070344 for Fry's Marketplace #692 to be located at 19600 West Indian School Road in Buckeye. Ms. Aja provided an overview of the request; staff recommends approval. The application and notice were legally posted on August 3, 2016 at 19600 West Indian School Road. The Police Department has reviewed the application and has no objections; the nearest school is not in violation of the 300 feet minimum requirement. This application was submitted by Lauren Merrett on behalf of Smith's Food & Drug Centers, Inc. Norman Barnett, on behalf of the applicant, was available for questions. There being no further comment, Mayor Meck closed the public hearing at 6:42 p.m. A motion was made by Councilmember Heustis and seconded by Councilmember Orsborn to approve the application for a Series 9 Liquor Store (All Spirituous Liquor) Liquor License Application No. 09070344 for Fry's Marketplace #692 to be located at 19600 West Indian School Road in Buckeye. Motion passed unanimously.

**7D. Council will hold a public hearing and take action on the application for a Series 7 (Beer & Wine Bar ONLY) Liquor License Application No. 07070679 for Fry's Marketplace #692 to be located at 19600 West Indian School Road in Buckeye.**

Staff Liaison: Lucinda Aja, City Clerk

Items 7C. and 7D. were heard simultaneously. Mayor Meck opened a public hearing at 6:40 p.m. to hear citizen input regarding the application for a Series 7 (Beer & Wine Bar ONLY) Liquor License Application No. 07070679 for Fry's Marketplace #692 to be located at 19600 West Indian School Road in Buckeye. Ms. Aja provided an overview of the request; staff recommends approval. The application and notice were legally posted on August 3, 2016 at 19600 West Indian School Road. The Police Department has reviewed the application and has no objections; the nearest school is not in violation of the 300 feet minimum requirement. This application was submitted by Lauren Merrett on behalf of Smith's Food & Drug Centers, Inc. Norman Barnett, on behalf of the applicant, was available for questions. There being no further comment, Mayor Meck closed the public hearing at 6:42 p.m. A motion was made by Councilmember Heustis and seconded by Councilmember Orsborn to approve the application for a Series 7 (Beer & Wine Bar ONLY) Liquor License Application No. 07070679 for Fry's Marketplace #692 to be located at 19600 West Indian School Road in Buckeye. Motion passed unanimously.

**7E. Council will take action on the award of Job Order Contract(s) for various City of Buckeye roadway projects throughout the communities of Blue Hills, Santarra, Sunset Vista, and Sunset Point in accordance with the City of Buckeye Streets Maintenance Pavement Plan; and authorize the City Manager to execute and deliver said Contract(s).**

Staff Liaison: Scott Lowe, Public Works Director

Mr. Lowe provided an overview of the requested pavement maintenance; vicinity maps of each project were displayed. In accordance with the City of Buckeye Streets Maintenance Pavement Plan, Job Order Contracts will be awarded for various roadway projects throughout the communities of Blue Hills, Santarra, Sunset Vista, and Sunset Point. These communities are located in Districts 1 and 2. The roadway projects will increase the service life of the streets and will begin a new maintenance cycle. The total cost of the projects will not exceed the budgeted amount of \$985,724. Councilmember Heustis requested clarification regarding contingency funds. Mr. Lowe provided further information related to Highway User Revenue Funds (HURF) contingency funds and the need for street projects to be supplemented by the general fund; stated there is approximately \$1.5 million in the HURF contingency fund. Councilmember HagEstad requested clarification regarding the use of monies in the HURF and the general fund and the potential of amending the amounts requested from each fund. Mr. Lowe stated the funds could be utilized from either fund for the purposes of pavement maintenance at the discretion of Council. Mr. Price provided further information related to the requirement of use of City funds to pay for pavement maintenance. General discussion was held regarding the cost of street maintenance vehicles and the use of contingency funds for pavement maintenance. A motion was made by Councilmember Orsborn and seconded by Vice Mayor Hess to approve the award of Job Order Contract(s) for various City of Buckeye roadway projects throughout the communities of Blue Hills, Santarra, Sunset Vista, and Sunset Point in accordance with the City of Buckeye Streets Maintenance Pavement Plan; and authorize the City Manager to execute and deliver said Contract(s). Motion passed unanimously.

**7F. Council will take action on approval of the Memorandum of Understanding (MOU) between the City Manager and the Buckeye Police Association.**

Staff Liaison: Nancy Love, Human Resources Director

Ms. Love provided an overview of the request to approve the MOU between the City Manager and the Buckeye Police Association. Pursuant to Section 3-5-9 (D) of the City Code, Council is authorized to approve memorandums of understanding entered into between the City Manager and employee organizations. The Buckeye Police Association, a recognized employee organization, submitted their Fiscal Year 2016-2017 proposal of items for discussion. The Assistant City Manager and Association Board Members met and discussed the items proposed. The items in this MOU were ultimately agreed upon by the Association and City Management; Ms. Love provided information related to changes made and agreed upon in the proposed MOU. Councilmember Orsborn requested clarification regarding approval. Ms. Love clarified the item before Council is approval of the MOU between the City Manager and the Buckeye Police Association. A motion was made by Councilmember Orsborn and seconded by Councilmember Heustis to approve the Memorandum of Understanding (MOU) between the City Manager and the Buckeye Police Association. Motion passed unanimously.

**7G. Council will take action on approval of the Memorandum of Understanding (MOU) between the City Manager and the United Buckeye Firefighters Association.**

Staff Liaison: Nancy Love, Human Resources Director

Ms. Love provided information related to the request to approve the MOU between the City Manager and the United Buckeye Firefighters Association. Pursuant to Section 3-5-9 (D) of the City Code, Council is authorized to approve memorandums of understanding entered into between the City Manager and employee organizations. The United Buckeye Firefighters Association (“the Association”), a recognized employee organization, submitted their Fiscal Year 2016-2017 proposal of items for discussion. The Assistant City Manager and Association Board Members met and discussed the items proposed. An agreement was reached on one of the two items requested; Ms. Love provided an overview of the requested changes. This MOU is the Interim City Manager’s final offer to the Association.

Councilmember Heustis requested clarification regarding overtime pay. Ms. Love summarized overtime pay for staff. Mr. Russell discussed the Association’s request that bereavement hours be considered worked hours when considering overtime calculations resulting in the receipt of overtime pay when working mandatory overtime. General discussion was held regarding mandatory overtime and bereavement pay policies for firefighters. General discussion was held regarding bereavement pay policy for *all* staff. Mayor Meck stated changes in personnel rules and policies should be afforded to all staff members. A motion was made by Councilmember Orsborn and seconded by Mayor Meck to approve the Memorandum of Understanding (MOU) between the City Manager and the United Buckeye Firefighters Association as presented, and to direct staff to bring before Council, on October 4, 2016, an item for further discussion and action related to an amendment to the bereavement pay policy for all staff. A roll call vote reflected Councilmember HagEstad, Councilmember Orsborn, and Mayor Meck voted aye; Councilmember Garza, Councilmember McAchran, Councilmember Heustis, and Vice Mayor Hess voted nay. Motion failed. A motion was made by Councilmember McAchran to approve the Memorandum of Understanding (MOU) between the City Manager and the United Buckeye Firefighters Association as presented, to include the sentence “bereavement hours will be considered hours worked when considering overtime calculations”. Councilmember Garza requested the motion include direction to staff to bring back before Council for discussion and possible action an item related to an amendment to the bereavement pay policy for all staff. An amended motion was therefore made by Councilmember McAchran and seconded by Councilmember Garza to approve the Memorandum of Understanding (MOU) between the City Manager and the United Buckeye Firefighters Association as presented, to include the sentence “bereavement hours will be considered hours worked when considering overtime calculations”, and to direct staff to bring before Council, on October 4, 2016, an item for further discussion and action related to an amendment to the bereavement pay policy for all staff. A roll call vote reflected Councilmember Garza, Councilmember McAchran, Councilmember Heustis, and Vice Mayor Hess voted aye; Councilmember HagEstad, Councilmember Orsborn, and Mayor Meck voted nay. Motion carried.

**7H. Council will take action on approval of Resolution No. 62-16 declaring and adopting the results of the Primary Election held on August 30, 2016.**

Staff Liaison: Lucinda Aja, City Clerk

Ms. Aja informed Council the final results of the Primary Election held on August 30, 2016 have yet to be released by the Maricopa County Elections Department; staff is requesting this item be postponed to the September 20, 2016 Regular Council Meeting. A motion was made by Vice Mayor Hess and seconded by Councilmember Orsborn to continue to the September 20, 2016 Regular Council Meeting approval of Resolution No. 62-16 declaring and adopting the results of the Primary Election held on August 30, 2016. Motion passed unanimously.

## **8. City Manager's Report and Government Relations**

Ms. Sedig recognized Ms. White for her efforts to improve Community Services facilities; stated a tribute and dedication will take place on September 10, 2016 and the Buckeye Main Street Coalition Mixer and Buckeye Valley Museum Façade Project Kickoff is scheduled for September 23, 2016; reminded residents and staff the Buckeye Marathon is scheduled for December 10, 2016.

Chief Costello invited Council, residents and staff to the Memorial Plaza located in Sun City Festival for the September 11<sup>th</sup> remembrance ceremony.

## **9. Comments from the Mayor and Council**

Councilmember Garza: no comment.

Councilmember HagEstad: no comment.

Councilmember Orsborn: no comment.

Councilmember McAchran: no comment.

Councilmember Heustis: discussed recruitment for the Planning and Zoning Commission alternate member vacancies; recognized and thanked Councilmember HagEstad.

Vice Mayor Hess: no comment.

Mayor Meck: welcomed Councilmember HagEstad.

## **10. Council will make a motion to adjourn the meeting.**

A motion was made by Councilmember Orsborn and seconded by Vice Mayor Hess to adjourn the meeting at 7:58 p.m. Motion passed unanimously.

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Jackie A. Meck, Mayor

ATTEST:

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Lucinda J. Aja, City Clerk

I hereby certify that the foregoing minutes are a true and correct copy of the Regular Council Meeting held on the 6<sup>th</sup> day of September, 2016. I further certify that a quorum was present.

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Lucinda J. Aja, City Clerk